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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,749	10/03/2006	Brian Wilson	M0025.03-43/P343	1667
24998 7590 12/22/2010 DICKSTEIN SHAPIRO LLP 1825 EYE STREET NW Washington, DC 20006-5403				
EXAMINER NGUYEN, TUAN N				
ART UNIT		PAPER NUMBER		
3751				
MAIL DATE		DELIVERY MODE		
12/22/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,749

Applicant(s)

WILSON ET AL.

Examiner

Tuan N. Nguyen

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-8, 13-18 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) 6, 13-18, 21 and 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 7, 8 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 12/15/05 & 6/29/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species 1: Fig. 1 in the reply filed on 10/15/10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The elected species neither have a float being magnetically coupled to a piston as claimed in claim 13 nor a float which is operatively coupled to a piston as claimed in claim 21. The elected species also does not pump liquid from the chamber through the chamber outlet as the piston is lowered as claimed in claim 26. Accordingly, claims 6, 13-18, 21 and 23-27 are withdrawn from further consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 03/033830 A2 (hereinafter Eshel) in view of JP 6-136803 (hereinafter Takai).

Eshel discloses a liquid dispensing device comprising a liquid formulation, a reservoir (223), means (213) for maintaining the level of liquid formulation in the reservoir at a predetermined level, and outlet (225) through which the liquid formulation

is dispensed, and means (215) for dispensing a quantity of the liquid formulation via the outlet comprises means (piston 214) for temporarily increasing the level of the liquid formulation in the reservoir so that the liquid formulation enters the outlet (as shown in Fig. 2B) and a displacement body (218) for moving the piston 214 between a first position and a second position to dispense the liquid. Although piston 214 of Eshel is operatively connected to the float to dispense the liquid formulation and not through the repulsive force of magnetic as claimed, attention is directed to the Takai reference which teaches an analogous liquid dispensing device (Fig. 7) utilizes the magnetic repulsive force between piston 84c and float 83 to operatively dispense liquid chemical from container 9 into a water tank to improve workability in replacement of chemical in necessary quantity without fail. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ, on the Eshel device, a magnetic piston and float as taught by Takai in order to improve workability in replacement of chemical in necessary quantity without fail.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eshel in view of Takai, as applied above, and further in view of US 3, 3023,426 (hereinafter Neal).

The lacking of the strap as claimed is taught by Neal which would have been obvious to one having ordinary skill in the art at the time the invention was made to employ on the Eshel device in order to suspend the dispensing device inside a toilet tank.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan N. Nguyen whose telephone number is 571-272-4892. The examiner can normally be reached on Monday-Friday (10:00-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tuan N Nguyen/
Primary Examiner, Art Unit 3751

TN